

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	
)	
and)	No. 4:05-CV-00778 CEJ
)	
CHRISTOPHER HEMAN,)	
)	
Plaintiff-Intervenor,)	
)	
)	
vs.)	
)	
DAIMLERCHRYSLER CORPORATION,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

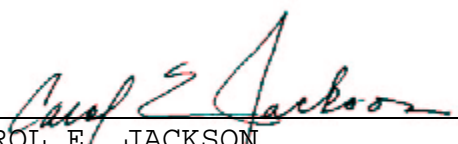
This matter is before the Court on the parties' cross-motions to strike [Doc. # 48, Doc. # 55]. Plaintiff and plaintiff-intervenor move to strike the following portions of the defendant's statement of facts [Doc. # 49] in support of its motion for summary judgment: paragraphs 6 (referring to DaimlerChrysler's disciplinary actions against Heman), 13 (same), 14 (Heman's medical leaves in 2001), and 29-31 (DaimlerChrysler security incident in parking lot in 2002). Plaintiff and plaintiff-intervenor also move to strike the following defendants' exhibits: 3A, 3B, 3C, 3E (disciplinary actions), and 3G (DaimlerChrysler security report) in their entirety; and paragraphs 22, 35, 36, and 37 of defendant's exhibit 1 (affidavit of Steven Kindrick).

The Court concludes that although defendant has not satisfactorily demonstrated the relevance of these pleadings and exhibits (particularly the disciplinary actions dating to 1995, 1992, and 1988 - exhibits 3A, 3B, and 3C; and exhibit 3G, the DaimlerChrysler security report), plaintiff's and plaintiff-intervenor's motion to strike is mooted by the Court's denial of the defendant's summary judgment motion.

Defendants, in a footnote in their summary judgment reply memorandum, also move to strike plaintiff's Exhibits B(1)-B(5), which are color photographs of plaintiff's foot injury. Defendants' motion to strike is mooted by the Court's denial of summary judgment.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's and plaintiff-intervenor's motion to strike [Doc. # 48] and defendants' motion to strike [Doc. # 55] are **denied as moot**.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 21st day of November, 2006.